

### **Preliminary Comments**

Looking at the file history for this application, the Applicant notes that a certified copy of the foreign priority application (written in French) and an English translation of the international application were originally submitted to the U.S. Patent and Trademark Office (USPTO) on January 17, 2006. A Preliminary Amendment was also submitted on January 17, 2006 along with the originally-filed documents. On May 22, 2006, the USPTO mailed a notice of missing requirements which required a replacement English translation, noting that the number of claims in the foreign priority application (sixteen) and the number of claims in the original English translation (fourteen) were different. On June 30, 2006, the Applicant submitted a certified English translation in response to the notice of missing requirements. This June 30, 2006 translation had sixteen claims to match the international application. The U.S. national stage application was then awarded a filing date of June 30, 2006, with domestic priority to July 9, 2004 as a 371 application of PCT/FR04/50321 and with international priority to July 22, 2003 via France 0309195.

The Applicant notes that the publication of this U.S. application (US2007/0095043) lists the sixteen claims as shown in the second translation submitted on June 30, 2006. The publication also includes the Abstract of the Disclosure added by preliminary amendment on January 17, 2006, but the publication does not include the "Cross-Reference to Related Applications" also added in the January 17, 2006 Preliminary Amendment. The Applicant, therefore, respectfully requests the Examiner to clarify for the record whether the "Cross-Reference to Related Applications" section has been added as instructed in the Preliminary Amendment.

Furthermore, the current Office Action appears to address only claims 1-14 in their form from the January 17, 2006 Preliminary Amendment, as opposed to claims 1-16 from the second English translation submitted on June 30, 2006. As detailed below in the interview summary, the Applicant's agent confirmed that indeed, claims 1-14 as shown in the January 17, 2006 Preliminary Amendment were used for examination. Claim 15 and 16 were not examined. In any event, claims 15 and 16 have been cancelled in this amendment, so the fact that claims 15 and 16 were not considered is now moot.

**Summary of Phone Interview with Examiner**

The undersigned agent for the Applicant conducted a phone conference with Examiner Hurley on July 30, 2009 regarding the above application. The Applicant and Applicant's agent thank Examiner Hurley for his time in taking the call and helping to clarify some procedural questions regarding the application. Specifically, the timeline of the two submitted translations outlined above was discussed in order to clarify which set of claims was used for examination. Examiner Hurley confirmed that claims 1-14 as submitted in the January 17, 2006 Preliminary Amendment were used for examination. The Examiner also agreed that claims 15 and 16 could be cancelled to bring the two sets of claims into coordination, thereby leaving claim 17 as the next available claim number, if necessary. The Examiner also confirmed that, for the purpose of any amendments to the specification going forward, reference should be made to the second English translation submitted on June 30, 2006.

**REMARKS**

These remarks are in response to the May 8, 2009 Office Action for the above patent application. Claim 1 has been amended to more particularly point out and distinctly claim that which the Applicant regards as his invention. Claim 3 has been cancelled because it was made redundant by the claim amendments. Claims 15 and 16 have also been cancelled for reasons described above. No new matter has been added. Claims 1-2 and 4-14 remain pending in the application. The Applicant acknowledges the allowable subject matter of claims 4, 8-9, and 14. Reconsideration of the claim rejections is respectfully requested in light of the preceding amendments and the following remarks.

**Objection to the Specification**

The Office Action objects to the specification due to the awkward phrase "an forward" in the paragraph starting on page 1, line 8, as well for the awkward phrase "The fact of" in the paragraph starting on page 2, line 26. (The Office action identified this second phrase as

occurring in a paragraph on page 3, line 1, but the actual location on page 2, line 26 is accounted-for based on the fact that the Applicant is referring to the second-filed English translation, not the first one which received an objection). The Office Action also objected to the lack of section headings throughout the application.

Through the above amendments to the specification, the Applicant amended "an forward" to read "a forward" and further amended "The fact of combining" to read "The combination of" in order to remove the awkward wording. The amendments to the specification also added appropriate section headings to the application. Therefore, the Applicant respectfully requests that the objection to the specification be withdrawn.

### **35 U.S.C. 103 Rejection: Gabalda and Wirz**

Claims 1-3, 5-7, and 10-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gabalda (U.S. Patent 5,950,412), in view of Wirz (U.S. Patent 5,763,859). Of this set of claims, claim 3 has been cancelled by this amendment. Claim 1 is independent, while claims 2, 5-7, and 10-13 are directly or indirectly dependent on independent claim 1.

Independent claim 1 discloses a machine for continuous cabling or twisting and setting of yarns, comprising a or several treatment stations. Each of the one or more treatment stations incorporates in combination or in succession, within a same work position: a) means for cabling or twisting a yarn; b) heat-setting means comprising a heated rotary godet which has configurations for allowing shrinkage of the yarn to be controlled, said configurations comprising a longitudinal profile defining successive zones that extend over almost an entire length of said godet, wherein the successive zones comprise an initial crimp pick-up zone, a residual shrinkage zone, and a setting zone, wherein the initial crimp pick-up and residual shrinkage zones comprise respective conical bearing surfaces, while the setting zone comprises a cylindrical bearing surface; c) an accumulator for cooling and relaxing the yarn in a completely free, tensionless state; and d) winding means for winding on or winding up the yarn, said winding means being subjected to means for driving and guiding the yarn.

As the Office Action admits:

Gabalda “fails to specifically teach a heated godet configured conical crimp pickup and residual zones shrinkage zones, and a cylindrical setting zone.” 5-8-09 Office Action, Page 3, lines 5-6.

The Applicant agrees, and further points out that Gabalda does not teach or suggest a heat-setting means comprising a heated rotary godet which has configurations for allowing shrinkage of the yarn to be controlled, said configurations comprising a longitudinal profile defining successive zones that extend over almost an entire length of said godet, wherein the successive zones comprise an initial crimp pick-up zone, a residual shrinkage zone, and a setting zone, wherein the initial crimp pick-up and residual shrinkage zones comprise respective conical bearing surfaces, while the setting zone comprises a cylindrical bearing surface as claimed by the Applicant as part of independent claim 1.

Wirz does not supplement the shortcomings of Gabalda. Wirz discloses an induction heating draw roller with vibration damping. While Wirz's godet 2 (See Wirz FIG. 1) has an inductor 16 which is provided for heating the godet 2, Wirz is absolutely silent as to the profile of the godet 2, and says absolutely nothing about “successive zones that extend over almost an entire length of said godet” as claimed by the Applicant as part of independent claim 1. The closest thing which can be inferred as a teaching from Wirz about the profile of the Wirz godet 2 is that it has “a casing 10 onto which the filament (not shown) rests in several loops” and that the godet 2 has an end wall 11. Nothing more is said about the profile of the Wirz godet 2, and the teachings of Wirz are primarily focused on the internal workings of the godet which are designed to reduce vibrations.

The Examiner alleges that Wirz's FIG. 1 (“Figure 1 shows an angled left side of the godet which angles into a cylinder”) teaches “a heated godet configured conical crimp pick-up and residual shrinkage zones, and a cylindrical setting zone.” 5-8-09 Office Action, page 3, lines 5-7. The Applicant respectfully, but strongly, disagrees. The angled left side of Wirz's godet, as described by the examiner, is not even discussed in the Wirz specification or claims. The angled

portion of the Wirz godet merely appears to be a flange and no drawing element has been assigned to this flange, which makes sense since no description has been given to the flange. As quoted above, Wirz teaches us that filament rests in several loops on the godet 2, but the filament is not shown, so Wirz does not even teach us if the flange contacts the filament at all.

Respectfully, from this little bit of information in Wirz, the examiner appears to have stretched the teaching of Wirz too far in alleging that Wirz teaches a godet having a longitudinal profile having successive zones including an initial crimp pick-up zone, a residual shrinkage zone, and a setting zone as claimed by the Applicant as part of independent claim 1. Since Wirz provides minimal description of the godet and since Wirz further does not show or describe how the filament interacts with the godet, the Applicant does not see how Wirz can possibly teach or suggest a heat-setting means comprising a heated rotary godet which has configurations for allowing shrinkage of the yarn to be controlled, said configurations comprising a longitudinal profile defining successive zones that extend over almost an entire length of said godet, wherein the successive zones comprise an initial crimp pick-up zone, a residual shrinkage zone, and a setting zone, wherein the initial crimp pick-up and residual shrinkage zones comprise respective conical bearing surfaces, while the setting zone comprises a cylindrical bearing surface as claimed by the Applicant as part of independent claim 1, and the office action provides no further explanation or specific reference to Wirz than has been discussed above with regard to independent claim 1.

Therefore, for at least the above reasons, the examiner has not made a prima facie case for an obviousness rejection of independent claim 1 based on Gabalda or Wirz, whether taken individually or in combination. Accordingly, for at least the above reasons, the Applicant believes independent claim 1 is allowable over Gabalda and Wirz, whether taken individually or in combination. Similarly, claims 2, 5-7 and 10-13 are believed to be allowable over Gabalda and Wirz, whether taken individually or in combination, based on the allowability of their base claim and for the features set forth therein.

The Applicant also disagrees with the allegation in the Office Action that "Wirz teaches that the length of the setting zone is greater than the sum of the lengths of the pick-up and shrinkage zones." *5-8-09 Office Action, page 3, lines 8-9*. As pointed out above, Wirz does not

describe any zones, let alone that "a length of the setting zone is greater than a sum of lengths of the pick-up and shrinkage zones" as claimed by the Applicant as part of dependent claim 5.

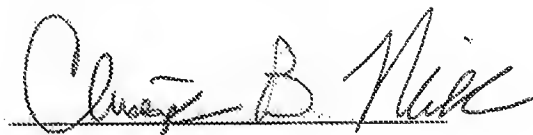
For at least all of the above reasons, the Applicant respectfully requests that the 35 U.S.C. 103(a) rejection against claims 1-2, 5-7, and 10-13 be withdrawn.

### CONCLUSION

Claims 1-2 and 4-14 remain in the application. The Applicant notes that the examiner has found allowable subject matter in claims 4, 8-9, and 14. Based on the amendments and arguments presented above, claims 1-2, 5-7, and 10-13 are also believed to be in a condition for allowance. Reconsideration and a notice of allowance pertaining to claims 1-2 and 4-14 is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Christopher B. Miller", written over a horizontal line.

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